

District Municipalities: Their role and function

District municipalities, having shared authority with local municipalities, will be a significant innovation brought by the final phase of local government transformation. It is therefore important to clearly define the role and function of the 47 district municipalities that will be established on election day in November.

The objects, purposes, functions and powers of district municipalities are derived from the Constitution, the White Paper on Local Government and the Municipal Structures Act (MSA).

Constitution

Three overall objectives of local government are contained in section 152 of the Constitution:

- to provide democratic (both representative and participatory) and accountable government;
- to ensure the provision of services to communities in a sustainable manner (including a safe and healthy environment); and

- to promote social and economic development.

Two of these overall objectives impose specific developmental duties on local government:

- priority must be given to the basic needs of the community; and
- the social and economic development of the community must be promoted.

The purpose of the district municipality (referred to in the Constitution as a “Category C municipality”) which shares authority with local municipalities in the area of the district, can be deduced from section 155(4).

When dividing functions and powers between district and local municipalities, national legislation “must take into account the need to provide municipal services in an equitable and sustainable manner.”

The explicit purposes of a district municipality can be described as follows:

- (a) in order to meet the basic needs of the community, it must ensure that services are provided throughout the district on an equitable manner, that is, according to need; and
- (b) it must ensure that services are provided in a sustainable manner, that is,

that the consumer of services can afford them and the supplier can provide them within its own means on an ongoing basis.

These purposes give rise to the following functions:

A district municipality must:

- redistribute resources within a district according to need;
- assist and capacitate local municipalities in order for them to provide, and sustain the provision of, services in their areas; and
- promote economic development in the district because sustainability of the provision of services (as well as the general well-being of the inhabitants) is dependent upon a productive local economy.

Because the purpose of a district municipality is to respond to the particular need and capacity of a local municipality, the Constitution foresees and permits that the district municipality may play a different role in respect of each local municipality in its district. The division of functions and powers between a district municipality and the local municipalities in the district can be asymmetrical; it will

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depend on need and capacity.

Since the objective of democratic and accountable government is best pursued by local municipalities because they are closer to the people, the district municipality is not meant to dominate local municipalities. The overall objective of the district municipality is therefore aptly described by the Constitutional Court as the performing of "coordinating functions".

White paper on local government

In giving flesh to the bare bones of the Constitution, the White Paper on Local Government articulated the purposes that district municipalities should pursue as well as the outcomes that they should achieve.

Purposes

The purposes of district municipalities can be summarised as follows:

- to build local municipalities where there is no capacity;
- to initiate economic development of the district;
- to plan land-use in the district; and
- to provide in the basic needs of people living in deprived areas.

Outcomes

Pursuing these four purposes, district municipalities must deliver outcomes that are of two kinds: those of a general kind, and those that are need or demand driven.

General outcomes

The general outcomes must be –

- There is integrated development planning for the district.

This is effected by –

- harmonising and rationalising local municipalities' IDPs with regard to:
 - land-use planning
 - economic planning and development
 - transport planning
- effecting vertical communications between national and provincial departments and local municipalities with regard to the other spheres' development programmes
- promoting economic development through information distribution, training, etc.
- Bulk infrastructure of the district is developed.

Need or demand-driven outcomes

- Bulk-services are directly provided to local municipalities, such as waste water and sewerage.
- Technical assistance is provided to local municipalities through –
 - sharing of equipment;
 - development of co-operative relations between local municipalities;
 - planning and legal services;
 - financial management.
- Municipal services are directly provided to –
 - local municipalities in need of some services;
 - district management areas.

Municipal Structures Act 117 of 1998

The MSA gives by and large effect to the overall objectives, purposes and outcomes identified in the White Paper.

Purposes

Section 83(3) lists the purposes of a district municipality as follows: It "must seek to achieve the integrated, sustainable and equitable social and economic development of its area as a whole". These purposes can be defined as follows:

- Integrated social and economic development: the development planning and services of the district must cohere; local municipalities should not pursue divergent or conflicting policies which can be to the detriment of those municipalities or the district.
- Sustainable social and economic development: the development of the district must be self-reliant and cost-effective through promoting bulk infrastructural development and services for the district as a whole, and building capacity of local municipalities where such capacity is lacking.
- Equitable social and economic development: to promote the equitable distribution of resources between the local municipalities to ensure appropriate levels of municipal services within the district.

Outcomes

The specific outcomes that a district municipality must achieve to further the above purposes, can be gleaned from the functions and powers listed in section 84(1).

and function

Integrated development

- In order to effect **integrated development**, the following outcomes should be achieved:
 - There is an integrated development plan for the district as a whole, which includes a framework for integrated development plans for all the local municipalities.
 - The passenger transport services are regulated on a district wide basis. Key to the integration of the district is the effective and efficient movement of persons within the district. Regulation must seek to achieve this.
 - Roads that form an integral part of the road transport system of the district as a whole are maintained, constructed etc. Key to the integration of the district is the effective and efficient movement of goods and people within the district. Maintenance, construction and regulation of the district wide road transport system must seek to achieve this.
 - The airports that serve the transport needs of the district are regulated and managed in the interest of the district as a whole. Airports are important both for intra-district, where the district is large, but more probably, interdistrict and inter-provincial travel.

Sustainable development

- In order to effect **sustainable development**, the following outcomes should be achieved:
 - Infrastructure for the bulk supply of water, electricity and sewerage is developed in the district. Through the development of infrastructure, cost-efficient supplies and services can be provided.
 - Water, electricity and sewerage is directly provided to local municipalities. The economies of scale of bulk supply make for cost-effectiveness.
 - Capacity of local municipalities is built where such capacity is lacking.

This can be effected by a number of means:

- adjustment of functions and powers by the MEC;
- temporary allocation of functions and powers by the MEC;
- request by a local municipality for financial, technical and administrative support.
- The economy of the district is developed through the promotion of local tourism of the district as a whole.
- The economy of the district is developed through the establishment, conduct and control of fresh produce markets and abattoirs serving the area of a major proportion of the municipalities in the district. The main source of income in many non-metropolitan areas is agriculture. The economies of the local municipalities will benefit from an effective and efficient sale of agricultural produce.

Equitable development

- In order to effect equitable development, there should be the following services, at an appropriate level, throughout the district:
 - potable water supply systems;
 - domestic waste water and sewage disposal systems;
 - solid waste disposal sites;
 - municipal health services;
 - fire fighting services;
 - cemeteries and crematoria.
 - grants received from the national or provincial government are distributed to local municipalities in need.

Adjustment of powers between district and local municipalities

In section 84(1), the MSA allocates the

functions and powers listed above to district municipalities. All other powers that the Constitution confers on local govern-

ment, listed in schedules 4B and 5B, belong to the local municipalities. The function of a district municipality may, however, be adjusted in a number of circumstances (see p 14/15).

Conclusion

The establishment of district municipalities for all areas outside the metros, is one of the key features of the new system of local government. It is aimed at the equitable and sustainable development of local municipalities. The

health of many local municipalities will depend on the effective and efficient functioning of the district municipalities.

The establishment of a two-level local government in all areas outside the metropolitan areas, is not a new experiment. A similar structure is currently in place in the metros – there is a division of powers between the metropolitan council and the various metropolitan local councils in the metropolitan area. This system will disappear after the election. As is presently the case in the metros, the effective implementation and management of the new system, will also require the co-operation of the local councils. They will appoint up to 60% of the members of the district councils. (see p 4 in this issue for the composition of the district councils). Within the spirit of co-operative government, the new system ought to work.

Nico Steytler

Local Government Project
Community Law Centre, UWC

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